

Leora Hochstein
Executive Director
Federal Regulatory



1300 I Street, NW, Suite 400 West
Washington, DC 20005

Phone 202 515-2535
Fax 202 336-7922
leora.l.hochstein@verizon.com

May 19, 2011

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Leased Commercial Access; Development of Competition and Diversity in Video Programming Distribution and Carriage, MB Docket No. 07-42

Dear Ms. Dortch:

On May 19, 2011, David Young, Will Johnson and I met separately with Rosemary Harold, Legal Advisor to Commissioner McDowell, and Joshua Cinelli, Legal Advisor to Commissioner Copps, regarding Verizon's position in the above-captioned proceeding. We discussed our concern that the FCC may seek to expand the scope of the program carriage rules to provide that independent programmers may file program carriage complaints not only against a multichannel video programming distributor (MVPD) that allegedly discriminates in favor of its own similarly situated programming, but also against an MVPD that allegedly discriminates in the carriage of channels affiliated with *any other* MVPD. This proposed change in the rules – assuming tacit collusion among all MVPDs – would be unlawful and inappropriate, particularly as applied to a competitive provider like Verizon. Verizon competes head-to-head with large vertically-integrated cable incumbents everywhere that it provides service and has no incentive whatsoever to discriminate *in favor of* these competitors' programming and against independent programmers. And this fact would be true regardless of whether Verizon owns or develops its own programming – something that the Commission's rules should not discourage.

Sincerely,

A handwritten signature in black ink, appearing to read "Leora Hochstein".

cc: Rosemary Harold
Joshua Cinelli